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November 1, 2023

Honorable Valerie Figueredo, U.S.M.J.
United States District Court Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Villaneuva, et al. vs. G-Net Construction Corp., et al.
Case: 1:22-cv-07199-JHR

Dear Hon. Magistrate Judge Figueredo,

I represent the defendants. I respectfully request the settlement conference scheduled for November 6 be adjourned pending the outcome of the defendants' Letter Motions to Hon. Jennifer Rearden, Document Nos. 51 and 52 that are *sub judice*. The defendants asked Judge Rearden for a Rule 37.2 informal discovery conference and an extension of the discovery deadline. Under the circumstances, an adjournment of the November 6 settlement conference would permit discovery and the exchange of information that would make the settlement conference much more fruitful. This is the fourth request to reschedule the settlement conference.

In Letter Motions 51 and 52, I informed Judge Rearden, *inter alia*, that

"Five (5) party depositions have not been held and pursuant to Your Honor's Civil Case Management Plan and Scheduling Order, "Absent an Order of the Court, depositions shall not be held until all parties have responded to initial request for document production." and

The plaintiffs' lawyer "Mr. Mizrahi did not serve or email me any documents [in response to the defendants' document demands]. Instead, he redirected me to some sort of "Dropbox" where my clients and I found exactly 10 pictures and 21 charts that are not labeled and do not correspond to any of the 46 categories in the defendants' document requests. Even worse, on September 28, Mr. Mizrahi told Hon. Valerie Figueredo that he produced "Nearly fifty-two (52) separate excel worksheets ..." –not 21–, which proves he is withholding a significant part of the discoverable evidence." [Exhibit 1, page 2].

I also informed Judge Rearden that Mr. Mizrahi routinely fails to respond to my emails and attempts to speak with him, and I provided the court with numerous examples denominated Exhibits 51-4, 51-5, 51-6, 51-7, 51-8, and 51-9.

Pursuant to Your Honor's Individual Rules, on October 30, I asked Mr. Mizrahi for his consent to reschedule the November 6 settlement conference. Exhibit 2. On October 31, Mr. Mizrahi facetiously responded:

Robert,

Exactly what information do you believe you have not received, that you need to receive, before the settlement conference? Exhibit 3.

Mr. Mizrahi is well aware the plaintiffs must do much more than provide 10 pictures and 21 homemade charts in a vacuum unconnected to any of the defendants' 46 document demands. Mr. Mizrahi did not serve me with any documents but instead redirected me to some sort of "dropbox" that I did not consent to. His endless gamesmanship eviscerates our ability to provide the court with a meaningful pre-settlement conference submission and is preventing the parties from entering into good faith settlement negotiations.

At this point Your Honor, it is impossible for the defendants to honestly evaluate the plaintiffs' position when it is buried under a mountain of subterfuge. We therefore respectfully request the settlement conference be rescheduled pending the outcome of the defendants' Letter Motions Document Nos. 51 and 52 that are *sub judice*. Thank you.

Respectfully submitted,
/s/ *Robert Fileccia*
Robert J. Fileccia

cc: Jason Mizrahi, Esq. by ECF